

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 SSO-00 INRE-00 CAB-02 CIAE-00

COME-00 DODE-00 DOTE-00 INR-05 NSAE-00 RSC-01 FAA-00

SP-02 L-02 PRS-01 NSCE-00 NSC-05 /032 W

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FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 3436

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E.OM QQYTWC N/A

TAGS: EAIR, EC

SUBJECT: CIVAIR CONSULTATIONS

1. GOE ADVANCED COUNTERPROPOSAL AT THIRD MEETING MORNING
NOVEMBER 20, ESSENTIAL FEATURES OF WHICH WERE:

A. EACH AIRLINE WOULD RETAIN FREQUENCY AUTHORIZATIONS THEY
NOW HAVE. THAT IS, IN GOE VIEW, 7 ROUNDTrips FOR ECUATORIANA
AND THE 8-1/2 ROUNDTrips FOR BRANIFF SPECIFIED IN ITS MARCH 14,
1973 PERMIT (SEE QUITO A-66).

B. NEITHER SIDE COULD REDUCE THESE LEVELS FOR AIRLINE OF
OTHER SIDE, NOR COULD AIRLINES INCREASE FREQUENCIES, WITHOUT
BILATERAL CONSULTATION AND AGREEMENT.

2. WE, OF COURSE, REJECTED THIS AS COMPLETELY UNACCEPTABLE
BECAUSE IT WOULD REDUCE BRANIFF BELOW LEVELS OPERATED THIS
SUMMER (BEFORE OCTOBER SUSPENSIONS), BECAUSE WE COULD NOT
ACCEPT BILATERAL A PRIORI PREDETERMINATION, AND BECAUSE GOE
GIVING U.S. NOTHING FOR WHAT GOE WANTED. GOE DEFENDED ITS
PROPOSAL ON STERILE, LEGALISTIC GROUNDS, APPARENTLY UNWILLING
COME TO GRIPS WITH REAL ISSUES.

3. DURING COFFEE BREAK, MEMBER GOE DEL MADE OVERTONE SUGGESTING
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PRIVATE MEETING BETWEEN STYLES AND SUAREZ. WE EXPRESSED INTEREST

AND SUCH MEETING WAS HELD IN AFTERNOON. SUAREZ EXPRESSED NEED PROTECT ECUATORIANA, NOTING GOE ALSO RESTRICTING AIR PANAMA, LAN, AND IN FEBRUARY LUFTHANSA. HE SAID HE FELT 17 FREQUENCIES FOR BRANIFF WAS ENOUGH FOR IT TO OPERATE VIABLY. STYLES EXPLAINED U.S. PREPARED GRANT NEW YORK (NOT LOS ANGELES) BUT COULD NOT DO SO UNLESS GOE READY MEET U.S. NEEDS WHICH INCLUDED MORE THAN 17 FREQUENCIES AS BASE AND SOME ARRANGEMENT HANDLE CAPACITY INCREASES THEREAFTER.

4. SUAREZ OFFERED NO COMMENT. STYLES POINTED OUT DANGERS OF NOT REACHING AGREEMENT, NAMELY, THAT GOE SHOULD NOT ASSUME U.S. WOULD ALLOW INCREASED ECUATORIANA FREQUENCIES EFFECTIVE DECEMBER 4. SUAREZ AGAIN OFFERED NO COMMENT.

5. AT FOURTH MEETING NOVEMBER 21, USDEL ADVANCED FOLLOWING OVERALL PROPOSAL:

A. NEW YORK ADDED TO ECUADOR'S ROUTE.

B. NEW PERMITS ISSUED TO BRANIFF AND ECUATORIANA ASAP.

C. BASE FREQUENCY LEVEL FOR BRANIFF OF 14 ROUNDTrips FROM EAST COAST AND 2 FROM WEST COAST. (CURRENT LEVEL IS 8-1/2 NOW. IT WAS 11 IN JULY.) U.S. WOULD BE LIBERAL ON ECUATORIANA'S BASE LEVEL.

D. PRESCREENING ARRANGEMENT FOR INCREASE ABOVE BASE LEVELS.

6. GOE DEL ACCEPTED A AND B ABOVE, OFFERED 10 EAST COAST ROUNDTrips AND 2 WEST COAST FOR BRANIFF, ASKED FOR 9 FOR ECUATORIANA MIAMI/NEW YORK, AND AMENDED U.S. PRESCREENING PROPOSAL TO PROVIDE VETO OVER PROPOSED FREQUENCY INCREASES. USDEL COUNTERED WITH 12 EACH COAST ROUNDTrips AND AMENDMENT OF PRESCREENING TO PROVIDE FOR CAPACITY FREEZE IN EVENT OF UNSUCCESSFUL EX POST FACTO CAPACITY CONSULTATIONS.

7. IT SOON BECAME APPARENT THAT OVERALL AGREEMENT WAS NOT POSSIBLE DUE TO FUNDAMENTAL DIFFERENCE BETWEEN U.S. VIEW THAT PROPOSED FREQUENCY OR CAPACITY INCREASE HAD TO BE ALLOWED (AFTER PRESCREENING AND NO AGREEMENT IN A PRIORI CONSULTATIONS) AND LIMITED OFFICIAL USE

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GOE VIEW THAT BILATERAL AGREEMENT REQUIRED TO INCREASE FREQUENCY OR CAPACITY. GOE DEL ASKED FOR FURTHER MEETING ON 22ND AND USDEL AGREED DELAY ITS DEPARTURE PLANS FOR THIS PURPOSE.

8. POSSIBLE OUTCOMES, IN ORDER DESCENDING PREFERENCE, ARE:

A. FULL AGREEMENT. AT THIS POINT, THIS SEEMS UNLIKELY.

B. AGREEMENT ALLOW INCREASE OF 3 ECUATORIANA ROUNDTrip FLIGHTS
AND RESTORATION BRANIFF'S 2-1/2 FLIGHTS.

C. AGREEMENT TO PRESERVE STATUS QUO, THAT IS 4 FOR ECUATORIANA
AND 8-1/2 FOR BRANIFF.

D. NO UNDERSTANDING, WITH IMPLICATION U.S. MIGHT NOT ALLOW
ECUATORIANA FREQUENCY INCREASE AND PERHAPS GOE WILL REDUCE
BRANIFF FURTHER.

9. UNLESS THERE IS SOME FUNDAMENTAL CHANGE IN GOE POSITION,
USDEL WILL ATTEMPT ACHIEVE OUTCOME IN PARA 8(B) ABOVE. IN VIEW
PROCEDURAL REQUIREMENTS OF PART 213, ORDER DISAPPROVING ECUA-
TORIANA'S INCREASE SHOULD GO FORWARD, PENDING FINAL REPORT BY
USDEL OF OUTCOME MEETING ON 22ND.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974QUITO07976
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740339-0445
From: QUITO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741120/aaaaaqjp.tel
Line Count: 131
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 10 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 JUL 2002 by kelleyw0>; APPROVED <24 MAR 2003 by KelleyW0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR CONSULTATIONS
TAGS: EAIR, EC
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005